

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

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TIARRA FAIN, :  
Plaintiff, :  
vs. : CASE NO. 3:12-CV-293  
RAPPAHANNOCK REGIONAL JAIL, :  
et al., :  
Defendants. :

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Deposition of TIARRA LASHAE FAYE LYNN FAIN

Stafford, Virginia

Friday, February 15, 2013

10:10 a.m.

Job No.: 32551

Pages: 1 - 149

Reported by: Sarah M. Bickel, RPR

PLAINTIFF'S  
EXHIBIT

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DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

53

1 A Shortly after I got the Cervidil.

2 Q And can you tell me at what point during  
3 the day that was? Before noon, after noon?

4 A I don't recall.

5 Q And who was -- which one of the officers  
6 was in the room when you received those drugs?

7 A I believe it was Stone.

8 Q Before or after she was relieved?

9 A Before.

10 Q And so then Officer Reed at some point  
11 comes into the room?

12 A Yes.

13 Q Did the restraints change at any point?

14 A No.

15 Q At any point, do you have to get up to use  
16 the bathroom?

17 A Yes, a couple times.

18 Q A couple of times?

19 A (Nonverbal response.)

20 Q Tell me how that went. Were the  
21 restraints removed?

22 A They were taken off my arm, but then the

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

54

1 one that was on my leg, it was taken off the bed and  
2 put onto my other leg and I would go to the bathroom.

3 Q You could walk with the two on your leg;  
4 is that right?

5 A Yes. It was a little bit longer.

6 Q And so you would simply walk yourself into  
7 the bathroom then?

8 A Uh-huh.

9 Q Was there anybody watching you while you  
10 were in the bathroom?

11 A No. She just like stood outside the door  
12 and waited on me.

13 Q And this was on at least two occasions?

14 A This was before Officer Reed came in  
15 because when I -- with Officer Reed, I didn't get up.  
16 I had already been catheterized.

17 Q And you said your recollection was Officer  
18 Reed was there about an hour?

19 A I believe.

20 Q And when each time you went to the  
21 bathroom, were you restrained back to the same way  
22 that you described before?

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

55

1 A Yes.

2 Q All right. What's the next major event?

3 You've gotten the Cervidil, you've gotten the Pitocin  
4 or however you say that.

5 A Pitocin.

6 Q Pitocin.

7 What happens next?

8 A After that, the doctor would come in every  
9 so often and check for dilation.

10 Q Same doctor?

11 A Uh-huh, always the same doctor.

12 Q Did you see anybody else besides  
13 Dr. Chichi that day?

14 A Not a physician. Some nurses came and  
15 went, but the physician, she stayed the same.

16 Q So she would pop in every once in a while  
17 to see how far along you were?

18 A Yes.

19 Q Do you recall how many times she did that?

20 A No.

21 Q It was more than once?

22 A Yes.

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

56

1 Q More than five times?

2 A Probably not because most of the labor is  
3 with the nurses.

4 Q Do you remember the names of any of the  
5 nurses?

6 A Not from labor and delivery. Only from  
7 mother/baby.

8 Q Since that day, since April 18th, 2010,  
9 have you spoken to any of the nurses that were on  
10 duty during the labor and delivery?

11 A I haven't been able to find any of them.

12 Q Do you actually deliver in that room, or  
13 did they move you to another room?

14 A You deliver in that room.

15 Q It's one of those birthing suites; is that  
16 right?

17 A Definitely.

18 Q So you're in there doing the contractions,  
19 at some point start the labor and actually have the  
20 delivery all in the same room?

21 A Yes.

22 Q And then after that, do you stay in that

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

57

1 room, or do they move you someplace else?

2 A They move you across the hall to  
3 mother/baby.

4 Q Before we get to that point, let's go back  
5 to -- at some point, does the doctor tell you that  
6 you're dilated enough to actually have the baby?

7 A Yes. I was pushing.

8 Q Do you recall at what point during the day  
9 that occurs?

10 A No.

11 Q Was it still light out or dark out, do you  
12 have any recollection?

13 A I know I started pushing. They come in  
14 and have you do -- push a few times anyway before you  
15 actually -- before, like, you're crowning, but I had  
16 done some pushing during the daylight.

17 Q At what point, if any, do the restraints  
18 come off?

19 A After I had the baby, the officer stepped  
20 out and made a phone call, I guess to let them know I  
21 had had the baby. I was in the room by myself. They  
22 had taken -- the nurses took my baby to the nursery,

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

58

1 and then she comes back in and I'm like, I have to  
2 pee -- I have to use the restroom. I'm sorry. And  
3 she let me off then.

4 Q During the actual delivery, were there any  
5 restraints on you?

6 A Yes.

7 Q Where?

8 A On my right arm, my left arm, and then my  
9 left leg.

10 Q Did the doctor say anything about that?

11 A Yes, in the very beginning.

12 Q I mean during the delivery process.

13 A No.

14 Q Did you say anything to the doctor that  
15 you were restrained?

16 A I mean, I did my typical labor and  
17 delivery complaining. I just kept asking when they  
18 were going to come off, like, to the CO.

19 Q What's the CO?

20 A Corrections officer, sorry.

21 Q Who was that at that point?

22 A Stone.

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

58

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DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

59

1 Q Stone was there during the delivery?

2 A Yes.

3 Q And what was her response?

4 A She kept saying that she was going to take  
5 them off before I started pushing.

6 Q Did she?

7 A No.

8 Q Did a nurse ever ask her to take them off?

9 A Not during labor.

10 Q Did anybody ask Stone to take those  
11 restraints off during labor?

12 A Other than when I first got there,  
13 Dr. Chichi asked her, no. It was a little bit of a  
14 panic, especially from the middle to the end of the  
15 delivery -- the labor and delivery because the cord  
16 was choking the baby. So every time I would have a  
17 contraction, the room would like freeze and then  
18 everybody would stop and stare at the monitor. The  
19 officer was like -- not the officer, but the doctor  
20 was kind of more concerned about the baby, paying  
21 attention to down there.

22 Q Were there any complications with the

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

63

1 A Yes.

2 Q And, again, what was the level of  
3 restraint you had on you at that point?

4 A I was still both arms, left leg. It  
5 didn't come off until after I had him.

6 Q When you were actually giving birth, the  
7 actual delivery, were your legs in any kind of  
8 stirrups?

9 A I think so. Yes. After -- there's this  
10 thing all the way at the bottom of the bed that they  
11 take off and then they put the stirrups onto it.  
12 After that.

13 Q And the doctor sits in front --

14 A Yes.

15 Q -- to perform the actual delivery?

16 A Uh-huh.

17 Q And if the doctor saw -- if there were  
18 restraints on your leg, the doctor would have seen  
19 that, correct?

20 MR. SHIELDS: Objection, calls for a  
21 conclusion on her part.

22 BY MR. FRANCUZENKO:

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

64

1 Q Do you think that's correct?

2 A I don't know.

3 Q Your legs would have been up in the air,  
4 correct?

5 A Yes.

6 Q In the stirrups?

7 A Yes.

8 Q And those legs would have also been  
9 attached to the bed -- to the railing?

10 A They would have been attached to the  
11 leather strap, which would have been attached to the  
12 bed.

13 Q To the railing?

14 A Yes.

15 Q So it's your testimony today that at the  
16 time of delivery, while your legs were in the  
17 stirrups -- and it would have been your left leg?

18 A Yes.

19 Q -- that the way this thing is set up, that  
20 your left leg was up in the stirrup and still  
21 restrained to the bedpost?

22 A Yes.

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

65

1 Q Or the railing?

2 A Yes.

3 Q You're 100 percent sure about that?

4 A Yes. And there also -- the restraints,  
5 they were brown, so I'm not sure -- I can't speculate  
6 anything about what she saw, but they were brown.  
7 Like I said, the main focus was my son because there  
8 was like a panic in the room.

9 Q How long was the doctor -- once you get  
10 into those stirrups and you're actually doing the  
11 delivery, how long was the doctor -- how long did  
12 that process take?

13 A I don't recall. It wasn't long, though.  
14 She's there to get him out. She did her -- she helps  
15 open everything and get him out and then she sewed  
16 me -- and then she delivered the placenta and then  
17 she sewed up.

18 Q So how long do you think that process  
19 took?

20 A I don't recall.

21 Q More than five or ten minutes?

22 A Yes.

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

66

1 Q At any point during that process, did you  
2 hear Dr. Chichi say anything about restraints?

3 A No.

4 Q Did you hear any nurse say anything about  
5 restraints?

6 A I never heard a nurse say anything about  
7 restraints.

8 Q The only mention about restraints would  
9 have been when you initially came in and Dr. Chichi  
10 had said, you know, Make sure those things are off,  
11 or something like that?

12 A Yes.

13 Q And just so we're clear, again, at the  
14 time of delivery, it's your testimony that the left  
15 leg was restrained to the rail?

16 A Yes.

17 Q And where was the strap on the leg?

18 A On my ankle.

19 Q And both arms were restrained?

20 A Yes.

21 Q And I think you said one arm was with a  
22 longer strap to the right side and the right arm with

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

67

1 a shorter strap to the right side [sic]?

2 A Yes. It was like -- the one on my left  
3 arm was just like the one on my leg.

4 Q What happens next after you have the baby?  
5 Placenta comes out, you get sutured, what happened  
6 next?

7 A The officer -- somebody brought me like  
8 food.

9 Q Do you stay in that room or do you end up  
10 going to another one?

11 A I was in that room for a while. It was a  
12 while that I was in there.

13 Q They take the baby away?

14 A Uh-huh. He went to the nursery.

15 Q And they clean the baby up and do whatever  
16 they do with the baby, correct?

17 A Uh-huh.

18 Q Do you get cleaned up as well?

19 A Kind of. I stayed in the same clothes. I  
20 just -- they just moved -- like they got me -- I ate.  
21 They brought me like a boxed lunch and I ate, and I  
22 got moved to mother/baby.

DEPOSITION OF TIARRA LASHAE FAYE LYNN FAIN  
CONDUCTED ON FRIDAY, FEBRUARY 15, 2013

128

1 signed it under oath?

2 A Yes. My Social Security number is wrong.

3 Q It is?

4 A Yes.

5 Q What is the correct number?

6 A Instead of 22, it's 92.

7 Q Let's look at page 2, if we could.

8 A Okay.

9 Q I want to direct your attention to  
10 Interrogatory Number 3, response to A. First line  
11 there says, After I was transferred to Fluvanna, I  
12 had regular visits with on-staff psychologists.

13 Do you see that?

14 A Yes.

15 Q And when you say "regular visits," you  
16 testified earlier that you had about three; is that  
17 right?

18 A Yes.

19 Q Did you have any follow-up care at Central  
20 Virginia?

21 A No. Had I continued dealing with mental  
22 health, I wouldn't have been able to get transferred